

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, OCTOBER 25, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:17 a.m. The meeting was recessed by Mayor O'Connor at 12:12 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor McColl at 2:12 p.m. with Mayor O'Connor and Council Members Roberts and Pratt not present.

The Council welcomed students and their teacher from Sister Clara Mohammed School. Deputy Mayor McColl adjourned the meeting at 6:10 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb,jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-151: FAILED

(Continued from the meeting of September 19, 1988, Item 150; Trained as Unfinished Business from October 11, 1988, Item 151, due to lack of 5 votes.)

In the matter of providing tenant identification logo signs on the outer side of the scoreboard at San Diego Jack Murphy Stadium .

(See City Manager Report CMR-88-287. Mission Valley Community Area. District-5.)

COMMITTEE ACTION: Reviewed by TLU on 8/8/88. Recommendation to approve the sign (motion was defeated) and refer to the City Council with a report from the City Attorney regarding City Agency exemptions of the City Code. Districts 5 and 8 voted yea. Districts 1, 2 and 4 voted nay.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B504-C098.)

MOTION BY HENDERSON TO APPROVE THE SIGNS. Second by Struiksma.

Failed by the following vote: Wolfsheimer-nay, Roberts-nay, McColl-nay, Pratt-nay, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

MOTION BY McCARTY TO REFER THE MATTER TO THE CITY ARTS COMMISSION TO REVIEW THE CONCEPT OF A MURAL ON THE OUTER SIDE OF THE SCOREBOARD AT THE SAN DIEGO JACK MURPHY STADIUM. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-152: (R-89-27) ADOPTED AS RESOLUTION R-272184

Waiving \$136,200 of late construction penalties of the Montgomery Airport Hotel on land leased from the City as described in City Manager Report CMR-88-359; declaring that as additional consideration for such waiver and as a condition to such waiver, the lessee shall, for the one year period following adoption of this resolution: 1) Employ not less than 75 percent of its work force from City residents; 2) Allow free City usage of meeting rooms for conducting City business on a subject-to-availability basis; and 3) Discount the rate for City-sponsored lodging on a space-available basis; all in accordance with the letter agreement signed by the lessee.

(See City Manager Report CMR-88-359.)

COMMITTEE ACTION: Initiated by PFR on 9/14/88. Recommendation to authorize the waiver of construction penalties totalling \$136,200. Districts 5, 6 and 7 voted yea. District 8 voted nay. District 1 not present.

FILE LOCATION: LEAS-Montgomery Airport Hotel, LTD.
LeasFY89-1

COUNCIL ACTION: (Tape location: C100-424.)

MOTION BY STRUIKSMA TO ADOPT RESOLUTION TO WAIVE ALL FEES.

Second by McCarty. Passed by the following vote:

Wolfsheimer-nay, Roberts-nay, McColl-yea, Pratt-nay,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor
O'Connor-yea.

ITEM-153: (R-89-1005) ADOPTED AS RESOLUTION R-272190

In the matter of the North Coast Family YMCA Teen Nightclub
project located on the Del Mar fairgrounds.
(See City Manager Report CMR-88-497.)

19881025

COMMITTEE ACTION: Reviewed by PSS on 10/5/88. Recommendation
to forward to the City Council without a recommendation. The
Committee also requested the City Manager to prepare a report on
the unfunded Social Service needs. Districts 2, 3, 6 and 7
voted yea. District 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D191-655.)

MOTION BY WOLFSHEIMER TO WAIVE THE POLICY AND GRANT \$10,000
TOWARD FUNDING OF THE PROJECT WITH THE UNDERSTANDING THAT YOUNG
PEOPLE WHO WANT TO ATTEND, BUT CANNOT AFFORD THE \$5.00 ENTRANCE
FEE, WILL NOT BE TURNED AWAY. Second by McCarty. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,
Pratt-yea, Struiksma-yea, Henderson-nay, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-154: (R-89-1009) ADOPTED AS RESOLUTION R-272191

(Continued from the meetings of June 27, 1988, Item 153,
July 18, 1988, Item 151, July 25, 1988, Item S403, August
2, 1988, Item S400, September 12, 1988, Item 152, September
27, 1988, Item 151 and October 10, 1988, Item 152; last
continued due to lack of time.)

In the matter of a request from Council Member Henderson
that the City Council consider using the Water Utilities
bill insert as the method to notify rate payers of the
impending cost of achieving secondary treatment.

(See City Manager Report CMR-88-214 and memorandum from
Council Member Henderson dated 3/10/88.)

19881025

COMMITTEE ACTION: Initiated by PSS on 5/4/88. Recommendation to forward Council Member Henderson's request to full Council without a recommendation. Districts 3, 6 and 7 voted yea. Districts 2 and 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I100-125.)

MOTION BY HENDERSON TO APPROVE THE SEWER INSERTS WITH THE LANGUAGE TO COME FORTH LATER. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (O-89-30 Rev.1) INTRODUCED AS AMENDED TO BE
ADOPTED NOVEMBER 7, 1988

(Continued from the meeting of September 6, 1988, Item S402, at Council Member Roberts' request, pending action on SB 2896; continued from the meeting of October 10, 1988, Item 200, to allow staff time to comply with the directive issued by Council that staff return with a redrafted ordinance and notify the affected buildings.)

Introduction of an Ordinance amending Chapter V, Article 5, of the San Diego Municipal Code, by amending Section 55.10.301, relating to Fire Protection and Prevention and Installation of Fire Sprinklers, to require that all high rise buildings within the City be retrofitted with fire sprinkler systems.

(See City Manager Reports CMR-88-513 and CMR-88-423.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G160-I070.)

MOTION BY ROBERTS TO APPROVE THE CITY MANAGER'S RECOMMENDATION WITH THE FOLLOWING CHANGES: 1) TO EXEMPT PERMANENT RESIDENTIAL HIGH-RISE BUILDINGS FROM THE ORDINANCE AND REFER THAT QUESTION BACK TO THE PS&S (PUBLIC SERVICES AND SAFETY) COMMITTEE TO CONTINUE WORKING WITH THE TENANTS AND OWNERS OF THE RESIDENTIAL BUILDINGS TO COME UP WITH WORDING THAT WOULD SUPPORT THE EXEMPTION. 2) TO REVISE THE LANGUAGE IN THE STATEMENT REFERENCING ASBESTOS IN HIGH-RISE BUILDINGS WHICH STATES, "THAT CONTAIN ASBESTOS", TO STATE, "THAT CONTAIN SIGNIFICANT QUANTITIES OF ASBESTOS". INSERT LANGUAGE TO SUBSECTION (f)(2)(a), PAGE 4 TO READ, "R-1 OCCUPANCIES AS DEFINED IN THIS FIRE CODE, EXCEPT HOTELS AND MOTELS." Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO SUSPEND THE RULES AND EXTEND THE MEETING TIME PAST 5:30 P.M. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-207: (R-89-699) CONTINUED TO NOVEMBER 1, 1988, AT 10:00 A.M.

Approving the budget for the San Diego Data Processing Corporation for the Fiscal Year 1989.

(See memorandum from the City Manager dated 10/11/88.)

CITY MANAGER SUPPORTING INFORMATION: The operating agreement between the City and the San Diego Data Processing Corporation requires that an annual budget be submitted to and approved by the City Council. The Corporation has submitted a budget for FY 1989 totaling \$23,943,012. Of this amount, \$21,056,067 reflects expenditures for services to City Departments. These costs represent \$16,224,691 for Computer Services, and \$4,831,376 for Telecommunication Services. The remaining amount primarily reflects Automated Regional Justice Information System (ARJIS) costs to be recovered from other participating cities, the City/County Library Circulation System, and the County's contribution to the Regional Urban Information System (RUIS). Lockwood/Frazier/DR

FILE LOCATION: --

COUNCIL ACTION: (Tape location: I085-098.)

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 1, 1988, AT 10:00 A.M., AT HER REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Oct-25-1988

ITEM-310: DID NOT APPEAR

Welcoming 28 students from San Ysidro Middle School, accompanied by Betsy Betanzos. This group will arrive at approximately 10:00 a.m.

(District-8.)

FILE LOCATION: MEET

ITEM-311: PRESENTATION MADE

Presentation by Ruth C. Smith, representing "City Beautiful

of San Diego" , to the City Council, an endowment fund for the Poinsettia Project in the Botanical Gardens - 4th Year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A023-055.)

MAYOR O'CONNOR ACCEPTED ON BEHALF OF THE COUNCIL A CHECK FOR \$500 PRESENTED BY "CITY BEAUTIFUL OF SAN DIEGO."

ITEM-330: CONTINUED TO NOVEMBER 22, 1988, 10:00 A.M.

Rezoning a portion of Lots 2, 3, and 4, Section 30, Township 14 South, Range 3 West, SBBM (approximately 22.9 acres) from Zone A1-1 (HRO) to Zone M-IP (HRO). The subject property is located southerly of Arroyo Sorrento Road and El Camino Real within the Sorrento Hills Community Plan area.
(Case-86-0573. District-1.)

Subitem-A: (R-89-585)

Adoption of a Resolution certifying that the information contained in Addendum No. 82-0380 to Environmental Impact Report EIR-81-12-33, Sch. No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-89-63)

Introduction of an Ordinance for M-IP (HRO) Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A144-163.)

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 22, 1988, 10:00 A.M. AT THE REQUEST OF THE PLANNING DEPARTMENT TO RENOTICE.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

ITEM-331: (R-89-1027) ADOPTED AS RESOLUTION R-272185 DENYING THE WAIVER

Matter of the request of Larry Montoya for a waiver of the Linda Vista Emergency Interim Development Ordinance to allow construction of a duplex structure on Hyatt Street between East Hyatt and Fulton Streets, a parcel currently containing two duplex structures. This would result in a total of six units on the property. The subject property is further described as Lots 1 and 14, Block 50, Linda Vista Subdivision Unit 8, Map-3253, in Zone R-2, in the Linda Vista Community Plan area. The property is subject to the Linda Vista Emergency Interim Development Ordinance. (Case-88-0730. District-5.)

Adoption of a Resolution granting or denying the waiver with appropriate findings to support Council action.

FILE LOCATION: LAND Linda Vista Community Plan

COUNCIL ACTION: (Tape location: A177-208, A500-656.)

Hearing began 10:32 a.m. and was recessed 10:34 a.m.

Hearing resumed 10:53 a.m. and halted 11:01 a.m.

Testimony in favor by Larry Montoya.

MOTION BY STRUIKSMA TO DENY THE REQUEST FOR THE WAIVER AND DIRECT THE PLANNING DEPARTMENT TO ASSIST MR. MONTOYA THROUGH THE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT PROCESS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Request to rezone the east side of Park Boulevard generally between Essex Street and University Avenue from the Mid-City Communities Planned District Ordinance designation of CN-2 to CN-1. Both CN-2 and CN-1 are commercial node designations with the same range of permitted uses, but the CN-1 allows higher commercial and residential intensities. The CN-1 Zone allows for a maximum floor area ratio of 1.0 (.75 is the maximum in the CN-2 Zone). Residential densities up to 73 dwelling units per acre would be permitted with a bonus to 110 dwelling units per acre for parcel accumulation in the CN-1 Zone. The existing CN-2 Zone permits a maximum of 43 units per acre with a bonus to 54 units per acre for parcel accumulation.

(Case-88-0312. District-3.)

Subitem-A: (R-89-530) ADOPTED AS RESOLUTION R-272186

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0147 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-31) INTRODUCED, TO BE ADOPTED NOVEMBER 7, 1988

Introduction of an Ordinance for CN-1 Zoning.

Subitem-C: (O-89-79) INTRODUCED, TO BE ADOPTED NOVEMBER 7, 1988

Introduction of an Ordinance amending the Mid-City Planned District ordinance.

FILE LOCATION:

Subitem-A ZONE ORD. NO.,

Subitem-B --,

Subitem-C --

COUNCIL ACTION: (Tape location: A208-491.)

Hearing began 10:34 a.m. and halted 10:53 a.m.

Testimony in favor by Bob Phillips and John Lomac.

Testimony in opposition by Carol Landsman.

The hearing was closed.

MOTION BY McCOLL TO APPROVE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-333:

Matter of the following proposals:

A. Mid-City Community Plan amendments and associated rezonings proposed for the following areas:

Area A: A community plan amendment is proposed to redesignate the neighborhood commercial area at Marlborough Avenue and Hilldale Street in order to add development review criteria to assure that any future development will be compatible with adjacent areas. To implement this amendment a rezoning from Commercial Neighborhood (CN) to CN-Community Plan Implementation Overlay Zone (CPIOZ), Type B, is also being proposed as

shown on the map as Area A.

Area B: A community plan amendment is proposed to redesignate the low medium density residential area (10-15 dwelling units/net acre (du/ac) to open space. The properties are generally located east of I-805, south of the terminus of Swift Avenue , and west of the terminus of Landis Street extending southerly adjacent to I-805. An associated rezoning from MR-3000 to R1-40000 HR is also being proposed as shown as Area B on the map.

Area E: A community plan amendment is proposed to redesignate portions of the low density residential area (5-10 du/ac) to open space. The properties are generally located adjacent to and easterly of Euclid Avenue , southerly of Pirotte Drive , westerly of 52nd Street, Hanniman Drive and Silk Place . A rezoning from R1-5000 to R1-40000 is also being proposed as shown on the map as Area E.

B. The following Overlay Zone is also being proposed to be applied in addition to the existing zoning:

Area F: The Hillside Review Overlay Zone (HR) is proposed to be applied to a portion of an area located adjacent westerly of Fairmount Avenue at the terminus of Juniper Street , east of Modesto Street . The existing MR-3000 and MR-1500 Zones are proposed to change to the MR-3000 HR and MR-1500 HR Zones as shown on the map as Area F.
(Districts-3 & 8.)

19881025

Subitem-A: (O-89-38) INTRODUCED AS AMENDED, TO BE ADOPTED
NOVEMBER 7, 1988

Introduction of an Ordinance for CN, and R1-40000 Zoning
for Areas A and E .

Subitem-B: (O-89-39) APPROVED, INCORPORATED INTO (O-89-38)

Introduction of an Ordinance for MR-1500(HR) and MR-3000
(HR) Zoning for Area F .

Subitem-C: (O-89-40 Rev. 2) INTRODUCED, TO BE ADOPTED
NOVEMBER 7, 1988

Introduction of an Ordinance amending Municipal Code
Section 103.1501 relating to the Mid-City Planned District.

Subitem-D: (R-89-441) REFERRED TO PLANNING FOR HEARING
ON ZONING R-1-5000

Adoption of a Resolution approving the Mid-City Community
Plan Amendment, Area A .

Subitem-E: (R-89-442 Rev.1) ADOPTED AS RESOLUTION R-272200

Adoption of a Resolution approving the Mid-City Community
Plan Amendment, Area E .

Subitem-F: (R-89-443 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-272201, APPROVING PLAN AMENDMENT

Adoption of a Resolution denying the Mid-City Community
Plan Amendment, Area B .

Subitem-G: (R-89-444) FILED

Adoption of a Resolution denying the Mid-City Community
Plan Amendment, Area E .

FILE LOCATION:

Subitems A, B, and C --,

Subitems D, E, F,

and G LAND Mid-City Community Plan

COUNCIL ACTION: (Tape location: B040-429.)

Hearing began 11:01 a.m. and halted 11:29 a.m.

Testimony in favor by John Wiley, Phillip McGoldrick, Anne
Cameron, Eric Cope, Margo Leimbach, Randall Farrar, and Sheridan
Waggoner.

MOTION BY McCOLL TO APPROVE THE COMMUNITY RECOMMENDATION ON
THE

FOUR AREAS THAT ARE BEFORE THE COUNCIL. COUNCIL MEMBER McCOLL
STATED THAT THE AREA SHOULD BE KEPT RESIDENTIAL AS MUCH AS
POSSIBLE TO PRESERVE THE SINGLE FAMILY DESIGNATION, AND APPROVES
AREA A ZONING THAT SHOULD BE R-1-5000. Second by Struiksma.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-89-428) CONTINUED TO NOVEMBER 29, 1988, AT
10:00 A.M.

(Continued from the meeting of October 11, 1988, Item 333,
at Council Member Wolfsheimer's request, to allow the
parties to work out a mutually beneficial solution to the
problem.)

Acquiring 20 acres of Los Penasquitos Canyon Preserve -

North No. 4 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271835, adopted on September 12, 1988; authorizing the expenditure of not to exceed \$480,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 20-acre parcel is a portion of the large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority.

Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$480,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900194.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: D020-165.)

MOTION BY STRUIKSMA TO CONTINUE TO NOVEMBER 29, 1988, AT 10:00 A.M. AND DIRECT STAFF TO WORK WITH THE PROPERTY OWNERS TO PREPARE AN OPEN SPACE EASEMENT DEED FOR COUNCIL REVIEW AND ACCEPTANCE. IF UNSUCCESSFUL WITH THE LANGUAGE OF THE DONATION, RETURN TO COUNCIL WITH AN ACQUISITION RECOMMENDATION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

Two actions relative to the realignment of Camino del Rio North :

(See City Manager Report CMR-88-519. Mission Valley Community Area. District-5.)

Subitem-A: (R-89-741) ADOPTED AS RESOLUTION R-272187

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains and incidents thereto in a portion of Parcels 1 and 2 of Parcel Map PM-11933, filed in the office of the County Recorder of San Diego County, January 29, 1982, as File No. 82-26480 of the official records; a portion of Pueblo Lot 1109 of Pueblo Lands of San Diego according to the Map made by James Pascoe in 1870 and filed in the Recorder's office November 14, 1921 as Miscellaneous Map-36 and in a portion of Lot 2 of Lion Mission Valley No. 3, according to Map-10292 filed December 18, 1981; and a portion of Parcels 1 and 2 of Parcel Map PM-13432 filed on August 17, 1984 with the San Diego County Recorder; and that the public interest, convenience and necessity demand the acquisition of fee title to and easements in said property for said public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains and incidents thereto; declaring the intention of the City of San Diego to acquire said property and easements under eminent domain proceedings; and directing the City Attorney of the City of San Diego and/or his designated representatives of the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property and easements and taking immediate possession thereof.

Subitem-B: (R-89-746) ADOPTED AS RESOLUTION R-272188

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-1038, in connection with Camino del Rio North realignment, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

Aud. Cert. 8900326.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B429-495.)

Hearing began 11:30 a.m. and halted 11:34 a.m.

MOTION BY STRUIKSMA TO ADOPT AND INCORPORATE CITY MANAGER

REPORT

CMR-88-519 IN THE HEARING AT THE REQUEST OF STAFF. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-88-2450) ADOPTED AS RESOLUTION R-272192

Proposal to revise the Planning Department Schedule of Fees and Deposits pursuant to Section 101.0204 of the San Diego Municipal Code.

(City-wide.)

(Reviewed by Transportation and Land Use Committee on September 26, 1988. Recommendation to approve the Planning Director's report and requested a City Manager and Planning Director's review of the proposals made by the City's Sign Code Task Force, (as a separate item). Districts 1, 2 and 8 voted yea. Districts 4 and 5 not present.)

Adoption of a Resolution revising the Schedule of Fees and Deposits for the Planning Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I135-144.)

Hearing began at 5:49 p.m. and halted at 5:50 p.m.

MOTION BY FILNER TO APPROVE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337:

Matters of the following accelerated variance requests from the Interim Development Ordinance (IDO):

a) A variance request from the Interim Development Ordinance (IDO) for a 3-unit project. The subject property is located at the intersection of Soledad Mountain Road and Coral Reef Avenue and is described as Lot 26, La Jolla Harbour Heights, Map-6603. The R1-8000 zoned site is within the La Jolla Community Plan area.

(Case-88-6054 (Accelerated). District-6.)

b) A variance request from the Interim Development Ordinance (IDO) for a 3-unit project (3 single-family dwellings on 3 vacant lots). The subject property is located at Sunset Cliffs Boulevard (between 1215 and 1241) and is described as Assessor's Parcel No. 530-010-43,44,45. The R1-5000 zoned site is within the

Peninsula Community Plan area.

(Case-88-6056 (Accelerated). District-2.)

- c) A variance request from the Interim Development Ordinance (IDO) for a 3-unit project (3 single family dwellings on 3 vacant lots). The subject property is located at Galveston Street at Napier Street and is described as Lots 1, 2, 3, 4 in Block A, Turner & Barr subdivision of South Orchard Tract, according to Map-912, filed June 21, 1904. The R1-5000 zoned site is within the Clairemont Mesa Community Plan area.
(Case-88-6067 (Accelerated). District-6.)

19881025

Subitem-A: (R-89-1051) ADOPTED AS RESOLUTION R-272193,
DENIED VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-6054 with appropriate findings to support Council action.

Subitem-B: (R-89-1052) ADOPTED AS RESOLUTION R-272194,
GRANTED VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-6056 with appropriate findings to support Council action.

Subitem-C: (R-89-1053) ADOPTED AS RESOLUTION R-272195,
GRANTED VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-6067 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO VARIANCE,

Subitem A Case-88-6054;

Subitem B Case-88-6056;

Subitem C

Case-88-6067;

COUNCIL ACTION: (Tape location: I150-349.)

Hearing began at 5:51 p.m. and halted at 6:05 p.m.

Mayor O'Connor left at 6:00 p.m.

Testimony in favor of

Subitem A by Ken Ringer and Ash Asrani.

MOTION BY HENDERSON TO DENY THE VARIANCE REQUEST FOR SUBITEM A.

Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-not present, McColl-yea,

Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-not present.

MOTION BY ROBERTS TO GRANT THE VARIANCE REQUEST FOR SUBITEM B
AND TAKE THE THREE UNITS FROM THE RESERVES. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO GRANT THE VARIANCE REQUEST FOR SUBITEM C
AND TAKE THE THREE UNITS FROM THE RESERVES. Second by Filner.

Passed by the following vote: Wolfsheimer-not present,

Roberts-not present, McColl-yea, Pratt-yea, Struiksmayea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not
present.

ITEM-338: (R-89-1008) ADOPTED AS RESOLUTION R-272196

19881025

(Continued from the meeting of September 27, 1988, portion
of Item 339, at Council Member McColl's request, to be
referred back to the City Manager for further
clarification.)

The matter of confirming the cost of weed abatement for
each parcel of land set forth in City Manager Report
CMR-88-455, pursuant to the provisions of Sections 54.0201
through 54.0206 of the San Diego Municipal Code;
authorizing the City Manager to bill the affected property
owner for the cost of abatement as follows:

(See City Manager Report CMR-88-455.)

Parcel No.	Total Charges
577-280-01	6,278.95*
577-321-01	

* Fees indicated by an asterisk are for contiguous parcels
owned by the same party.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I350-390.)

Hearing began at 6:06 p.m. and halted at 6:08 p.m.

MOTION BY FILNER TO APPROVE THE CITY MANAGER'S RECOMMENDATION
TO

CONFIRM THE COST OF WEED ABATEMENT AT \$4,469.00, AND WAIVE THE
CITY'S ADMINISTRATIVE FEE OF \$1,809.95. Second by Henderson.

Passed by the following vote: Wolfsheimer-not present,

Roberts-not present, McColl-yea, Pratt-yea, Struiksmayea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (R-89-784) ADOPTED AS RESOLUTION R-272189

Proclaiming October 29-30, 1988 to be "Neighbors Against Drugs Days" in San Diego; commending Paradise Valley Hospital for its community service to San Diego and other communities by its support of many drug treatment facilities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A057-137.)

MOTION BY PRATT TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksm-a-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (O-89-86) CONTINUED NOVEMBER 1, 1988, AT 10:00 A.M.

Introduction and adoption of an Emergency Ordinance limiting issuance of building permits and commencement of construction in a portion of Centre City San Diego for a period of one year.

This Ordinance establishes, as an emergency measure, height limits of 50 feet and 120 feet in specified portions of the Harborview area of Centre City and floor area ratio designations in the Cortez and Core areas.

(Centre City Community Area. District-8.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D658-E225;E235-G155.)

MOTION BY ROBERTS TO DIRECT STAFF TO REWRITE THE ORDINANCE TO HAVE SOME TYPE OF DISCRETIONARY PERMIT REVIEW PROCESS FOR THOSE BUILDINGS IN THIS AREA. HAVE A BASE WITH A HEIGHT LIMIT OF 50 FEET, F.A.R. OF 3.0 IN THE CORTEZ AREA, HARBORVIEW AREA HEIGHT LIMIT OF 50 FEET, TO 120 FEET, AND IN THE CORE AREAS, F.A.R. OF 10. ESTABLISH A DISCRETIONARY REVIEW PROCESS THAT WOULD ALLOW THEM TO GO UP TO THE F.A.R.s IN HEIGHT AS ELABORATED IN THE DRAFT OF THE CENTRE CITY PLAN BY DISTRICTS 1,3,4 AND 5, AND INCORPORATE THIS CRITERIA AS A GUIDE IN THE REVIEW OF THOSE DISCRETIONARY PERMITS. REFER THE QUESTION TO THE CITY ATTORNEY WITH RESPECT TO THE BUILDING THAT IS PROPOSED FOR 22 STORES WITH A FOUNDATION PERMIT, BUT NO OTHER PERMITS, TO DETERMINE THE LEGALITY OF PUTTING IT THROUGH A DISCRETIONARY REVIEW PERMIT PROCESS. BRING THE ORDINANCE BACK TO COUNCIL NEXT WEEK. Second by McColl. Passed by the following vote: Wolfsheimer-yea,

Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-89-886) ADOPTED AS RESOLUTION R-272197

Waiving the rental fees and charges for use of the Civic Theatre by the Starlight Opera on October 30, 1988, pursuant to paragraph A.4. of Council Policy 700-43; authorizing the City Auditor and Comptroller to pay from the General Fund 100, Unallocated Reserve (605), to the Convention and Performing Arts Center, the sum of \$1,200 as payment in full for the charges waived.

Aud. Cert. 8900380.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I391-410.)

MOTION BY HENDERSON TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-S503: (O-89-90) NOTED AND FILED

Introduction and adoption of an Emergency Ordinance prohibiting issuance of building permits and commencement of construction in a portion of Centre City San Diego for a period of one year or until the first preliminary Centre City Plan is available.

(Centre City Community Area. District-8.)

NOTE: See Item S501 on the Supplemental of October 25, 1988 for a related item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D658-E230.)

MOTION BY FILNER TO NOTE AND FILE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-89-919) ADOPTED AS RESOLUTION R-272198

A Resolution adopted by the City Council in Closed Session on October 25, 1988:

Authorizing the City Manager to pay the total sum of \$250,000 in settlement of each and every claim against the City, its agents and employees, Superior Court No. 517425, Virginia Hopkins v. Jill Ann Best, et al., resulting from

the personal injuries to Virginia Hopkins. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$250,000.00 made payable to Virginia Hopkins and her attorneys, James Miller and Greg Morris, in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor McColl at 6:10 p.m.

FILE LOCATION: MINUTES